

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PAUL BOWARY, M.D.,

Plaintiff,

v.

UNITED STATES MEDICAL LICENSING
EXAMINATION, NATIONAL BOARD OF
MEDICAL EXAMINERS, and THE
FEDERATION OF STATE MEDICAL
BOARDS OF THE UNITED STATES, INC.,

Defendants.

Case No. 1:21-cv-00278-JJM-LDA

JOINT STATUS REPORT

Pursuant to the Court's Order dated November 7, 2022, the Plaintiff Paul Bowary, M.D., and the Defendants (the "Parties") submit the following Joint Status Report.

On June 6, 2022, the Parties agreed that Dr. Bowary's new hearing before the Committee for Individualized Review ("CIR") would take place on September 2, 2022.

On July 22, 2022, which was six weeks before the September 2, 2022, CIR hearing, Defendants sent Plaintiff and his counsel a set of all documents that NBME staff intended to present to the CIR, consisting of roughly 300 pages of documents. The documents included: statements from three NBME employees and one employee of the Federal of State Medical Boards, a chronology, internal NBME e-mails, and e-mail communications to or from Plaintiff. It also included a report from a new forensic consultant which had been retained by NBME in September 2021 to review the report by Plaintiff's forensic consultant, Dr. Darren Hayes.

On August 12, 2022, which was three weeks before the new CIR hearing, the Plaintiff submitted several documents to NBME, including a statement from Dr. Bowary and a supplemental report from Dr. Bowary's forensic consultant, Dr. Hayes.

On September 2, 2022, Dr. Bowary appeared remotely before the CIR, with counsel. At the hearing, a USMLE Program representative made an opening presentation. Dr. Bowary and his counsel made a presentation but they were limited to twenty minutes.

The CIR's written findings have not yet been provided to Dr. Bowary. NBME advises the Court and opposing counsel that it anticipates the CIR's written findings will be made available for review by Bowary within the next two weeks.

Dr. Bowary continues to be licensed to practice medicine in Rhode Island and he continues to be employed by RICBT, Inc.

Respectfully submitted,

For the Plaintiff,

PAUL BOWARY, MD.,

For The Defendants,

UNITED STATES MEDICAL
LICENSING EXAMINATION, NATIONAL
BOARD OF MEDICAL EXAMINERS, and
THE FEDERATION OF STATE MEDICAL
BOARDS OF THE UNITED STATES,
INC.,

By: /s/ Richard Goldstein
Richard Goldstein, Esq. (#8501)
HUSCH BLACKWELL LLP
One Beacon Street, Suite 1320
Boston, MA 02108
Phone: (617)598-6740
Facsimile: (617)720-5092
Mobile: (617)938-3500
richard.goldstein@huschblackwell.com

By: /s/ Stacey Nakasian
Stacey Nakasian (Bar No. 5069)
SNakasian@duffysweeney.com
Duffy & Sweeney, Ltd.
321 South Main Street, Suite 400
Providence, RI 02903-7109
Telephone: 401-455-0700
Facsimile: 401-455-0701

Jeffrey Chase-Lubitz, Esq. (#3701)
HUSCH BLACKWELL LLP

Robert A. Burgoyne - *pro hac vice*
RBurgoyne@perkinscoie.com

One Richmond Square, Suite 165W
Providence, RI 02906
Phone: (401)454-0400
Facsimile: (401)454-0404
Mobile: (401)225-8858
jeffrey.chase-lubitz@huschblackwell.com

Caroline M. Mew - *pro hac vice*
CMew@perkinscoie.com
Perkins Coie LLP
700 13th St., N.W., Suite 800
Washington, DC 20005-3960
Telephone: 202-654-6200
Facsimile: 202-654-6211

SUSAN DOUGLAS TAYLOR, ESQ.
575 Madison Avenue, 10th Floor
New York, NY 10022
Phone: (212) 873-0711
Fax: (212) 605-0222
Email: st@susandouglastaylor.com
Admitted *pro hac vice*

Dated: November 14, 2022

CERTIFICATE OF SERVICE

I, Richard Goldstein, Esq., hereby certify that the foregoing document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to any indicated as non-registered participants on this 14th day of November 2022.

/s/ Richard Goldstein

Richard Goldstein, Esq.

HB: 4870-8556-8573.1